IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10194 of 2003
With
SPECIAL CIVIL APPLICATION No. 10241 of 2003
With
SPECIAL CIVIL APPLICATION No. 10243 of 2003
With
SPECIAL CIVIL APPLICATION No. 10235 of 2003

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NATIONAL ICE FACTORY - Petitioner(s)

Versus

GUJARAT INDUSTRIAL DEVELOPMENTCORPORATION & 4 - Respondent(s)

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Appearance :
MR JB PARDIWALA for Petitioner(s) : 1,
MR MAULIN R RAVAL for Respondent(s) : 1,
RULE SERVED for Respondent(s) : 2 - 4.
MR RUTVIJ M BHATT for Respondent(s) : 5,
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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 20/10/2005

COMMON ORAL JUDGMENT

1. Heard the parties. In view of the facts and circumstances of the case narrated in the petition, I

am of the opinion that the ends of justice will be served by issuing following directions.

2. GIDC Vapi and Vapi Industrial Association are directed to conjointly reconsider the whole issue of the levy of drainage cess and tax. So far as Ice manufacturing units are concerned more particularly keeping in mind the grounds which are urged in the petition and the rejoinder filed by the petitioners to the reply of GIDC.

3. This exercise shall be taken up within a period of eight weeks and the decision in this regard shall be communicated in writing to the petitioners within four weeks thereafter. In the event if the decision is adverse to the petitioners then the same may not be implemented for a period of 15 days to enable the petitioners to take appropriate legal course available under the law.

4. It shall be open for the petitioners to urge any other ground also before the authorities over and above the contentions which have been raised in the petition before the authorities.

5. These petitions are disposed of with the above directions clarifying that this Court has not expressed any opinion on merits of the dispute involved. Rule is made absolute to the aforesaid extent.

(K.S. Jhaveri, J.)

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